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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,742	09/11/2000	Heath A. Lynn	07844-410001	4153
21876	7590	02/10/2004		
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			EXAMINER SCHLAIFER, JONATHAN D	
			ART UNIT	PAPER NUMBER
			2178	4

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,742

Applicant(s)

LYNN ET AL.

Examiner

Jonathan D. Schlaifer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to application 09/658,742 filed on 09/11/2000, with prior art filed on 06/09/2003.
2. Claims 1-17 are pending in the case. Claims 1, 7, 10, and 13 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2, 7, 10, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Corporation (“Microsoft Word: User’s Guide”, Version 6.0, 1993-1994)**
4. **Regarding independent claim 1**, Microsoft Word discloses a layout editing system for arranging page structural elements in an electronic document (Microsoft Word is a word processor), comprising: a display device (Microsoft Word requires a screen); a first supply device to supply said display device with an electronic document having a grid provided with a plurality of first attraction points for display on said display device (on page 392, Microsoft Corporation discloses the grid in Microsoft Word); a second supply device to supply a page structural element whose outline is demarcated by a frame on the electronic document displayed on said display device (on page 392, there are objects which have frames), said structural element provided with a plurality of attractive second attraction points to adjust its position in accordance with said plurality of first attraction

points (on page 387, a freeform shape has attraction points); a movement device to hold said page structural element and to move said page structural element to a desired location in said electronic document by manual user operation (a mouse is used to move and manipulate drawing objects); and an attraction state control to control attraction of only one second attraction point selected from said plurality of second attraction points while said page structured element is being held by said movement device (on page 387, dragging a handle manipulates the object as an attraction point).

5. **Regarding dependent claim 2**, Microsoft Corporation discloses the use of a mouse, which is a pointing device, where items are kept in a held state by keeping the button down (see page 389).
6. **Regarding independent claim 7**, Microsoft Corporation discloses a layout editing method for arranging page structural elements in an electronic document (Microsoft Word is a word processor), comprising: displaying an electronic document having a grid provided with a plurality of first attraction points on a display device (Microsoft Word has a grid and monitor, as revealed on page 392); displaying a page structural element whose outline is demarcated by a frame on the electronic document displayed on said display device, said page structural element provided with plurality of attractive second attraction points to adjust its position in accordance with said plurality of first attraction points (drawing elements in Microsoft Word obey this, as shown on page 392), holding said page structural element and among said plurality of second attraction point setting only a second attraction point nearest to said cursor in an attractive state and setting a probe point that keeps the relative positional relationship of that second attraction point

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and said cursor at a time of detecting that the cursor is positioned inside the frame of the said page structural element and that a button of a pointing device linked to said cursor is pressed down (this behavior would follow from the use of handles to reshape freeform shapes, on page 387); and when said point device is operated in a holding state and said cursor is moved, linking said second attraction point in the attractive state to the movement of said cursor and moving said second attraction point and attracting it to a first attraction point nearest to said probe point, and moving said page structural element (this behavior would follow from the use of handles to reshape freeform shapes, on page 387).

7. **Regarding independent claim 10**, it is an apparatus that performs the method of claim 7 and is rejected under similar rationale.
8. **Regarding independent claim 13**, it is essentially analogous to Claim 1, and may be rejected under the same rationale.
9. **Regarding dependent claim 14**, Microsoft Corporation discloses the use of a mouse, which is a pointing device, which causes the processor to select the second attraction point (see page 389).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 3-6, 8-9, 11-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation further in view of Muskovitz et al. (USPN 5,175,806—filing date 3/28/1999), hereinafter Muskovitz**
11. **Regarding dependent claim 3**, Microsoft Corporation fails to disclose a system further comprising an attractive operation mode setting mechanism to selectively set a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and a second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.
12. **Regarding dependent claim 4**, it is the same as claim 3 except that it is dependent claim 3 except that it is dependent on claim 1 and may be rejected under the same rationale.
13. **Regarding dependent claim 5**, Microsoft Corporation and Muskovitz fail to disclose that said attractive operation mode setting mechanism comprises a predetermined specified key on the keyboard, and said second attractive operation mode is set by holding specified key pressed down. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of

switching modes. It would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

14. **Regarding dependent claim 6**, Microsoft Corporation indicates on page 387 that

Microsoft Word incorporated a cursor and that the closest “handle” point was manipulated when selected.

15. **Regarding dependent claim 8**, Microsoft Corporation fails to disclose a method further

comprising the step of selecting a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.

16. **Regarding dependent claim 9**, Microsoft Corporation and Muskovitz fail to disclose a

method wherein said first or second attractive operation mode is selected depending on whether a predetermined specified key on the keyboard is pressed down or released respectively. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes. It

would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

17. **Regarding independent claim 11**, it is an apparatus that performs the method of claim 8 and is rejected under similar rationale.
18. **Regarding independent claim 12**, it is an apparatus that performs the method of claim 9 and is rejected under similar rationale.
19. **Regarding dependent claim 15**, Microsoft Corporation fails to disclose a system further comprising the step of selecting a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.
20. **Regarding dependent claim 16**, Microsoft Corporation and Muskovitz fail to disclose a method wherein the processor selects one of the first and second attractive operation modes based on user input on the keyboard. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of

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switching modes. It would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

21. **Regarding dependent claim 17**, Microsoft Corporation indicates on page 387 that Microsoft Word incorporated a cursor and that the closest “handle” point was manipulated when selected.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,359,630 B1 (filing date 6/14/1999)—Morse et al.

USPN 6,088,520 (filing date 11/13/1997)—Taoka et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is 703-305-9777. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



**STEPHEN S. HONG
PRIMARY EXAMINER**